IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1092 OF 1998

The Mahanagar Telephone Nigam Ltd. ...Plaintiff

Versus

Mr. Vijaykumar D. Valmik ...Defendant

Ms B.J.Thakkar for the Plaintiff.

CORAM : ABHAY S.OKA, J.
DATED : JULY 04, 2007.

P.C.:

1. Heard Advocate appearing for the Plaintiff. The Plaintiff is the Mahanagar Telephone Nigam Ltd. The Plaintiff has filed this suit for recovery of the telephone bills payable by the Defendant. The suit relates to certain unpaid bills the true copies of which are annexed to the plaint and the particulars of which have been set out in the plaint.

2. The Defendant is the subscriber of the Plaintiff in respect of telephone No.4125747. A notice was issued by the Advocate for Plaintiff to the Defendant calling upon the Defendant to pay the outstanding amount of Rs.79,860/- under the bills which are annexed to the plaint.

3. This is a fit case for invoking Rule 10 of Order

VIII of the Code of Civil Procedure, 1908 for passing a decree. However, there is no material on record to show that the Defendant agreed to pay interest at a particular rate on bill amount of unpaid bills. Therefore, the interest payable in this case will be 6 per cent per annum.

4. Hence, the suit is decreed in terms of prayer clauses (a) to (c) with modification that the interest payable will be at the rate of 6 per cent per annum from the date of filing of the suit till the realisation of the amount.

JUDGE